

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of  
KELLY R. BROWN, ET AL.

Serial No.: 09/892,993

Filed: June 27, 2001

For: POROUS CERAMIC/POROUS POLYMER  
LAYERED SCAFFOLDS FOR THE  
REPAIR AND REGENERATION OF  
TISSUE



Group Art Unit 1615

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*Sara M. Laposa* 10/25/01  
(Signature) (Date)

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with the provisions of 37 C.F.R. Sections 1.97 and 1.98, applicants  
and their attorney respectfully request that the following patents and publications, copies of which  
are attached hereto, be made of record in the official United States Patent and Trademark Office  
file relating to the above-identified application. The citation of these patents and publications  
should not be construed as an admission that they constitute statutory prior art with respect to the  
present invention.

**U.S. Patent Nos.**

3,929,971	5,458,643	5,677,355
4,045,418*	5,464,929*	5,686,091
4,057,537*	5,468,253*	5,698,213*
4,105,034*	5,486,359*	5,700,583*
4,130,639*	5,514,378*	5,711,960
4,140,678*	5,522,895	5,713,374*
4,141,087*	5,595,751*	5,716,413
4,186,448	5,597,579*	5,755,792
4,205,399*	5,607,474*	5,769,899*
4,208,511*	5,607,687*	5,770,193
4,861,733	5,618,552*	5,770,417*
5,084,051	5,620,698*	5,859,150*
5,133,755	5,645,850*	6,103,255*
5,314,478	5,648,088*	

### Foreign Patent Publications

European Patent Publication No. 0 274 898\*  
European Patent Publication No. 0 278 583  
European Patent Publication No. 0 464 163\*  
European Patent Publication No. 1 027 897\*  
International Publication No. WO 00/20354  
International Publication No. WO 99/16478  
International Publication No. WO 99/16479

### Publications

A.F. Tencer, et al., "Compressive Properties Of Polymer Coated Synthetic Hydroxyapatite For Bone Grafting", Journal of Biomedical Materials Research, Vol. 19, John Wiley & Sons, Inc., (1985), pgs. 957-969

Ainslie T. Young, "Microcellular Foams via Phase Separation"  
J. Vac. Sci. Technol. A 4 (3), American Vacuum Society,  
May/June (1986), pgs. 1128-1133 \*

Daniel Cohn, et al., "Biodegradable PEO/PLA Block Copolymers"  
Journal of Biomedical Materials Research, Vol. 22,  
John Wiley & Sons, Inc., (1988), pgs. 993-1009 \*

Allcock, "Polyphosphazenes", Encyclopedia of Polymer Science and Engineering, Vol. 13, John Wiley & Sons, Inc., New York (1988), pgs. 31-41 \*

D. Cohn, "New Tailor-Made Biodegradable Polymeric Biomaterials"  
Polymer Preprints, Volume 30, Number 1, Division of Polymer Chemistry, Inc., Dallas, Texas, (April 1989), page 498 \*

Shigenobu Matsuda, "Thermodynamics of Formations of Porous Polymeric Membrane from Solutions", Polymer Journal, Volume 23, No. 5, (1991), pgs. 435-444 \*

Jorge Heller, "Poly(ortho esters)", Handbook Of Biodegradable Polymers, Harwood Academic Publishers, Netherlands, (1997), pgs. 99-118 \*

J. Vandrope, et al., "Biodegradable Polyphosphazenes For Biomedical Applications", Handbook Of Biodegradable Polymers, Harwood Academic Publishers, Netherlands, (1997), pgs. 161-182 \*

John Kemnitzer, et al., "Degradable Polymers Derived From the Amino Acid L-Tyrosine", Handbook Of Biodegradable Polymers, Harwood Academic Publishers, Netherlands, (1997), pgs. 251-272 \*

B. Kreklau, et al., "Tissue Engineering of Biphasic Joint Cartilage Transplants",  
Biomaterials 20, Elsevier Science Ltd., (1999), pgs. 1743-1749 \*

Gabriele G. Niederauer, et al., "Evaluation of Multiphase Implants for  
Repair of Focal Osteochondral Defects in Goats", Biomaterials 21,  
Elsevier Science Ltd., (2000), pgs. 2561-2574 \*

D. Schaefer, et al., "In Vitro Generation of Osteochondral Composites",  
Biomaterials 20, Elsevier Science Ltd., (2000), pgs. 2599-2606

Vicki Rosen, Ph.D, et al., "Chapter 1 - Introduction and Goal", The Cellular  
and Molecular Basis of Bone Formation and Repair", R.G. Landes Company,  
Austin, Texas, (1995), pgs. 1-41 \*

Applicants' attorney notes that the above-listed patents and publications that are designated with an asterisk ("\*") are identified in the specification of the present application. Although the remaining patents and publications are not identified in the specification of the present application, all of the patents and publications are in the English-language and, therefore, no comments regarding their relevance to the present application are deemed necessary.

In addition to the above-listed patents and publications, the following applications are discussed and incorporated by reference into the specification of the present application.

U.S. Serial No. 09/345,095 entitled  
"Process for Manufacturing Biomedical Foams",  
filed June 30, 1999

U.S. Serial No. 09/345,096 entitled  
"Porous Tissue Scaffoldings for the Repair or Regeneration of Tissue",  
filed June 30, 1999

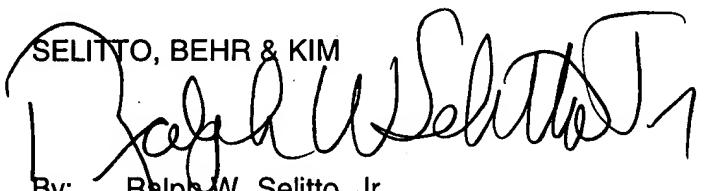
Applicants' attorney also takes this opportunity to inform the Examiner about the existence of a co-pending U.S. patent application, i.e., U.S. Patent Serial No. 09/893,813, filed June 28, 2001, which is owned by the assignee of the present application (i.e., Ethicon, Inc.). Pursuant to 37 C.F.R. 1.98, copies of the above-identified applications are attached hereto for the Examiner's convenience.

In order to facilitate the Examiner's citation of the patents and publications listed above, applicants' attorney has completed United States Patent and Trademark Office Form PTO-1449. The completed Form is attached hereto for the Examiner's convenience.

No fees are believed to be due in connection with the submission of this Information Disclosure Statement. If any such fees are due, the Examiner is hereby authorized to charge them to Deposit Account No. 19-1218.

Respectfully submitted,

SELITTO, BEHR & KIM

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